



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATION (EVCSs) SUBCOMMITTEE

APRIL 12, 2021

SUBCOMMITTEE MEMBERS

**Dr. Lori Vinikoor, Chair (District 5)
Terrence Bailey, Vice-Chair (District 2)**

**Frank Gulisano (Realtors Association of
the Palm Beaches)**

Abraham Wien (Alternate At-Large #2)

INTERESTED PARTIES

Mike Gibaldi (Brickell Energy)

Evan Rosenblatt (Pebb Enterprises)

Emily O'Mahoney (2GHO & Associates, Inc.)

Ron Semp (PlugIn Stations Online)

Jeff Rothe (ChargePoint)

Linda Smithe (Destination Loop)

Drew Martin (Conservation Chair)

Daniel J. Walesky (Residential Builder)

Jaime M. Plana (Architect)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

**Robert S. Weinroth
Vice Mayor, District 4**

**Maria G. Marino
Commissioner, District 1**

**Gregg K. Weiss
Commissioner, District 2**

**Maria Sachs
Commissioner, District 5**

**Melissa McKinlay
Commissioner, District 6**

**Mack Bernard
Commissioner, District 7**

**County Administrator
Verdenia C. Baker**

**"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200**

LDRAB Subcommittee Meeting

April 12, 2021

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
ELECTRIC VEHICLE CHARGING STATIONS (EVCSS) SUBCOMMITTEE**

MONDAY, APRIL 12, 2021 AGENDA

**MEDIUM HEARING ROOM (VC-1E-60)/COMMUNICATIONS MEDIA TECHNOLOGY (CMT)
2:00 P.M.**

A. CALL TO ORDER

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions to Agenda
4. Motion to Adopt Agenda
5. Adoption of Minutes – February 4, 2021 (Exhibit A)

B. NEW BUSINESS

1. Review of Draft ULDC Amendment (Exhibit B)
2. EVCS Discussion
 - a. Subcommittee Members
 - b. Interested Parties
 - c. Public
 - d. Staff

PAGES

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C. FUTURE MEETINGS/ANTICIPATED EXHIBITS

1. May 26, 2021 – LDRAB Review of Final ULDC Amendment

D. MEETING RECAP AND CONCLUSION

E. ADJOURNMENT

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE (Updated 04/05/21)

Minutes of February 4, 2021 EVCSs Subcommittee Meeting

On Thursday, February 4, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB) Electric Vehicle Charging Stations (EVCSs) Subcommittee, met in the Medium Hearing Room (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER

1. Roll Call

Chair Dr. Lori Vinikoor, called the meeting to order at 1:00 p.m. Mr. Alexander Biray, Site Planner I, called the roll.

Members Present: 4

Dr. Lori Vinikoor (District 5, Commissioner Sachs)

Terrence Bailey (Florida Engineering Society)

Frank Gulisano (Realtors Association of the Palm Beaches)

Abraham Wien (Alternate At-Large #2)* **

Members Absent: 0

County Staff Present: 8

Jeff Gagnon, Principal Site Planner, Zoning

Jerome Ottey, Site Planner II, Zoning

Alexander Biray, Site Planner I, Zoning

Scott A. Stone, Assistant County Attorney

Carolina Valera, Senior Planner, Planning*

Megan S. Houston, Department of Office of Resilience (OOR) Director*

Jake Leech, Environmental Analyst, OOR

Lorinda J. Goldsmith, Senior Network Administrator*

* Present via Webex Events.

** Mr. Wien arrived at 1:02 p.m.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic by Mr. Gulisano, seconded by Mr. Bailey. The Motion passed unanimously (3-0). Mr. Wien had not arrived yet as the remaining Subcommittee member.

3. Additions, Substitutions, and Deletions to Agenda

Mr. Gulisano noted to add an election of a new Vice-Chair to the Agenda.

4. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Mr. Bailey. The Motion passed unanimously (3-0).

** Mr. Wien arrived at 1:02 p.m.

5. Election – Vice-Chair

Mr. Gulisano nominated Mr. Bailey for Vice-Chair, seconded by himself. Mr. Bailey accepted. The Motion Passed unanimously (4-0).

6. Adoption of Minutes – January 6, 2021 (Exhibit A)

Motion to adopt the Minutes, by Mr. Gulisano, seconded by Mr. Bailey. The Motion passed unanimously (4-0).

B. NEW BUSINESS

1. Unified Land Development Code (ULDC) and EVCSs – Presentation by the Zoning Division:

Art. 1, General Provisions; Art. 4, Use Regulations; and, Art. 6, Parking, Loading, and Circulation

A discussion ensued by the Subcommittee on the long-term effects of the proposed Code amendment based on changing technology, and the allowance for periodic review. Mr. Gagnon gave a PowerPoint presentation reiterating the Subcommittee task charging locations and the following topics:

a. Definitions

He explained the definitions derived from the International Code Council (ICC), differentiating Electric Vehicle Supply Equipment (EVSE) as everything, Electric Vehicle (EV) Capable Space as having the capacity for support, and EV Ready Space as already providing charging. He stressed an EV Ready Space was previously interpreted comparable to an EV Capable Space in previous meetings.

b. Renovation Thresholds

Mr. Gagnon explained Staff has determined a 35-percent Improvement Value threshold for Retail Gas and Fuel Sales (Gas Station) uses to be EV Ready, 70-percent Improvement Value threshold for Multifamily, and 75-percent Improvement Value threshold for Business or Professional Office (Office) and Retail Sales (Retail) uses to be EV Capable.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE (Updated 04/05/21)

Minutes of February 4, 2021 EVCSs Subcommittee Meeting

1) Discussion

Mr. Bailey suggested to expand the cost profile for gas stations to take in consideration pumps, underground tanks, and electrical components, as opposed to the small size of the buildings. Mr. Stone asked if the Property Appraiser indicates the value of the building specifically or whole property. Mr. Gulisano and Mr. Gagnon confirmed. Mr. Stone noted the definition specifies "site element." Mr. Bailey and Mr. Gulisano also expressed concern over the cumulative timeframe of improvements, and suggested a specific period.

Mr. Gulisano noted very few buildings remodel to 75 percent of the Improvement Value and suggested to lower it. Mr. Bailey noted the Florida Building Code (FBC) enumerates 50 percent, which has been attempted to be circumvented, but suggested to use that percentage. Mr. Stone noted the purpose is to balance achieving the goal versus creating undue hardships.

c. Uses

1) Gas Stations

Mr. Gagnon explained Staff is proposing two Level 3 EV Ready spaces required for all new gas stations, and reiterated the 35-percent Improvement Value threshold for existing ones, both with eight pumps (16 positions) or more.

a) Discussion

Mr. Bailey suggested taking the Strategic Intermodal System (SIS) designation of the Florida Department of Transportation (FDOT) into consideration to require proximity to State Roads (SRs), even if a gas station has less than eight pumps. Mr. Gagnon responded they want to encourage the installation of EV Ready spaces. Mr. Bailey further asked if any incentives are available to allow more pumps if restrictions apply. Mr. Gagnon responded that most gas stations are a Conditional Use. Dr. Vinikoor and Mr. Gulisano suggested one EVCS for gas stations less than eight pumps.

2) Multifamily Residential

Mr. Gagnon explained Staff is proposing one Level 2 EV Capable spaces required for all new Multifamily development per 25 units, and reiterated the 70-percent Improvement Value threshold for existing ones, both with 50 units or more. He further noted Staff previously considered the threshold to be at 16 units or more, but adjusted it based on existing required parking ratios.

a) Discussion

Mr. Bailey asked if there a different ratio for development when a clubhouse is required, and suggested it to be the threshold and best place to locate the EVCSs. Mr. Gagnon agreed, but noted they are trying to balance the requirement with medium development that would not require a clubhouse, while not putting a burden on smaller properties. Mr. Gulisano asked about Planned Unit Developments (PUDs) with Single Family uses. Mr. Gagnon responded that the trend is for garages to have charging capabilities, and stressed the requirement is for Multifamily where the charging spaces would be shared.

3) Office

Mr. Gagnon explained Staff is proposing one Level 2 EV Capable space required for all new office development per 5,000 square feet, and reiterated the 75-percent Improvement Value threshold for existing ones, both with 20,000 square feet or more.

a) Discussion

Mr. Bailey asked why EV Capable spaces are proposed to be required for new office developments instead of EV Ready, especially in consideration of costs already incurred. Dr. Vinikoor agreed. Mr. Gagnon responded that it was guidance from the Board of County Commissioners (BCC), but if the Subcommittee recommends EV Ready, will provide feedback. A discussion ensued on clarifying the difference between the definitions of EV Ready and EV Capable, as well as what in its entirety constitutes EVSE. Mr. Gagnon clarified the goal is to make EV Ready spaces be defined available for use immediately. Dr. Vinikoor agreed to make it specify just the plug.

4) Retail

Mr. Gagnon explained Staff is proposing one Level 2 EV Capable space required for all new retail development per 5,000 square feet, and reiterated the 75-percent Improvement Value threshold for existing ones, both with 15,000 square feet or more.

a) Discussion

Dr. Vinikoor asked why it is proposed for retail to require EVCSs. Mr. Gulisano suggested reducing the ratio, as the EVCSs would be used more by the employees on site longer than customers. Mr. Bailey questioned Level 2 EVCSs for retail based on charging time.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE (Updated 04/05/21)

Minutes of February 4, 2021 EVCSs Subcommittee Meeting

Mr. Gagnon responded that a larger square footage threshold may incorporate uses appropriate for it, but noted these are only minimum requirements. Mr. Bailey further asked if EVCSs may be counted as required parking spaces. Mr. Gagnon responded that previous discussion considered them in the count as required parking, but other codes like the City of Palm Beach Gardens do not because it is considered a separate use. Mr. Bailey suggested a minimum requirement of one EVCS, with an additional one for every 5,000 square feet. Dr. Vinikoor agreed. Mr. Stone responded that analyzing timing and usage for specific one use may be deemed arbitrary, and suggested referencing objective standards like an Institute of Transportation Engineers (ITE) manual.

2. EVCS Discussion

a. Subcommittee Members

Mr. Bailey suggested removing the EV Capable definition as the Subcommittee suggested uses instead be EV Ready. Mr. Gagnon responded he wants to bring all options to the BCC in case there is a lower bracket or threshold. Dr. Vinikoor noted Staff will clarify the definitions. Mr. Gulisano expressed concern about the Improvement Value thresholds. Mr. Stone responded that the numbers are not static and may change in the future.

b. Interested Parties

Mr. Gibaldi agreed the EV Capable and EV Ready definitions are redundant, and suggested they be merged so reserved breakers and raceways leading to the future spaces be capped off and ready to plug into a machine. He further noted the installation of wiring and breakers to terminate is an unreasonable expense, and copper components are prone to theft. He added that Level 3 EVCSs installed along freeways were allowed by the Florida Department of Environmental Protection (FDEP) to be within one mile of an exit to be practical and have options in consideration of the price of real estate. Dr. Vinikoor responded the distinction should be made, and suggested "EV Functional" for what Mr. Gibaldi described and "EV Live." Mr. Gagnon responded the definitions will be further clarified. Mr. Gulisano agreed on clarifying the components.

Ms. Smithe noted Level 1 EVCSs are still viable for homes, offices, and hotels based on charging time, would alleviate the infrastructure requirements, and should be delineated by signage. Mr. Bailey agreed with signage, as well as for Level 2, and emphasized rotation. Mr. Gulisano expressed concern on how it would be enforced. Mr. Ottey responded that additional fees would be incurred if an automobile is fully charged and remains in the space, and uses such as gas stations are in partnership. Dr. Leech responded that EVCSs installed in government facilities are using the former to collect fees. Mr. Bailey also expressed concern about parking spaces "cannibalizing" each other. Mr. Stone responded there is a Florida Statute requirement that only an EV can park in an EVCS. Mr. Gulisano noted the issue of retrofitting existing parking spaces. Mr. Gagnon responded Staff will look at existing legal non-conforming uses that cannot meet current parking requirements. Mr. Stone noted changes in parking will be reviewed by multiple County Agencies. A discussion also ensued regarding charging fees. Ms. Smithe also suggested only requiring trenching, and wiring can be replaced. She noted standalone charging stations in the future would not require as much infrastructure. She noted timeframes and agreed with requiring EVCSs for retail.

c. Public

There were no public comments.

d. Staff

No further discussion.

C. FUTURE MEETINGS/ANTICIPATED EXHIBITS

1. March 3, 2021 – Review of Draft ULDC Amendments

Dr. Vinikoor noted the next meeting is March 3rd at 1:00 p.m. in the same location.

D. MEETING RECAP AND CONCLUSION

Mr. Gagnon noted the definitions will be refined, Improvement Values will be revised to 50 percent, new gas stations, retail, and office development will be revised to require a minimum of one EV Ready space, and retail thresholds to one EVCS per every 20,000 square feet and additional one per 5,000 square feet.

E. ADJOURNMENT

The LDRAB EVCSs Subcommittee adjourned at 2:26 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5302.

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

CR-2020-0001
(Updated 04/09/2021)

EVCSs Staff/Subcommittee Recommendations		
	Staff	Subcommittee
Substantial Renovation Threshold	35% for Gas and Fuel Sales and 75% for Office and Multifamily Renovations can be addressed by site specific Conditions of Approval	50% for all uses
Multifamily Requirement	50 Units, one Level 2 EV-Capable space for every 25 units	Agree
Office Requirement	10,000 sq. ft., one Level 2 EV-Capable space for every 5,000 sq. ft. of floor area	20,000 sq. ft., one fully installed Level 2 EVCS and one additional Level 2 EVCS per additional 5,000 sq. ft.
Retail Requirement	10,000 sq. ft., one Level 2 EV-Capable space for every 5,000 sq. ft. of floor area	15,000 sq. ft., one fully installed Level 2 EVCS and one additional Level 2 EVCS per additional 5,000 sq. ft.
Gas and Fuel Sales Requirement	Eight gasoline pumps and greater to install two Level 3 EV Spaces.	All new Retail Gas and Fuel Sales to install at least one Level 3 EVCS, above eight pumps two DC Fast Level 3 EVCSs

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Notes:

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

CR-2020-0001
(Updated 04/09/2021)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions (page 53 of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. The BCC has directed Zoning and the Office of Resilience staff to draft language in the ULDC to require Level 2 or greater EV-Capable parking spaces for Office, Business or Professional, Multifamily Residential, and possibly Retail Sales uses. The BCC also directed that DC Fast Level 3 Electric Vehicle Charging Stations (EVCSs) be installed at Gas and Fuel Sales, Retail. New developments will be required to implement the infrastructure for EV-Capable parking spaces and charging stations, respectively. Electric vehicles (EVs) are the future of transportation and ownership of these vehicles have been steadily increasing as the world moves to combat climate change through the use of cleaner energy and less carbon emissions. Palm Beach County seeks to play its part in reducing carbon emissions by providing EVCSs throughout the County and influence a greater increase in EV ownership. Increased presence of these chargers will reduce “range anxiety” and increase the confidence in residents purchasing an EV.
2. To relocate the definition for EVCS to Art. 1 where it will better serve the Code, with the relocation of EVCS provisions to Retail Gas and Fuel Sales. To also add a definition for EV Space and EV Charging Levels for the different levels of EVCS that will be required. To also add a definition for EV-Capable. This definition will serve the requirement of the infrastructure only being installed at Multifamily, Business or Profession Office, and Retail Sales uses.

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2

3 **Section 2 Definitions**

4

5 **E. Terms defined herein or referenced in this Article shall have the following meanings:**

6 11. **Electrical Transmission Line** – street means the area necessary for construction and
7 maintenance of a 230 kilovolt or greater electrical transmission line, as provided in F.S. §
8 403.52.

9 **12. Electric Vehicle Charging Station (EVCS)** - *A structure that supplies electric energy for the*
10 *charging of EVs. EVs shall include, but not be limited to: battery-powered electric vehicles,*
11 *plug-in hybrid electric vehicles, and electric motorcycles. The structure can be manned or*
12 *unmanned. [Ord. 2018-018] [Ord. 2019-034] [Relocated from: Art. 4.B.2.C.10.a, Definitions]*

13 **4213. Elevated Building** – see Building, Elevated.

14 **4314. Emergency** – an incident or natural disaster which results in immediate danger to the
15 health, safety, welfare or resources of the residents of PBC. [Ord. 2011-001]

16 **Renumber Accordingly**

17

18 **~~3433~~ Establishment**

19 a. Single structure or a group of structures other than a Single Family residence on one or
20 more parcels of land with common access, parking, drainage facilities and/or water supply.
21 It may also include the premise on which the business is located, including the interior of
22 the business, or portion thereof, upon which activities or operations are being conducted
23 for commercial gain. [Ord. 2005-041]

24 b. For the purposes of Art. 15, Health Regulations, single structure or a group of structures
25 other than a Single Family residence on one or more parcels of land with common access,
26 parking, drainage facilities and/or water supply.

27 **~~3234~~ Ethanol** – type of alcohol used as a biofuel alternative to gasoline, that is made from biomass.
28 [Ord. 2008-037]

29 **35. EV-Capable** – Electrical panel capacity installed to provide energy to a parking space, with a
30 dedicated branch circuit and a continuous raceway large enough to carry an electrical cable to
31 power an AC Level 2 EVCS. This does not include the full installation of an EVCS or live cable
32 within the dedicated raceway.

33 **36. EV Charging Level** – the level of voltage of electrical output by an EVCS at which the battery
34 of an EV is recharged. The standardized levels are as follows:

35 a. AC Level 1 – 120 volts (1.4 to 1.9 kilowatts) of electrical output to an EV.

36 b. AC Level 2 – 208/240 volts (19.2 kilowatts or less) of electrical output to an EV.

37 c. DC Fast Level 3 – 480 volts (50 kilowatts or more) of electrical output to an EV.

38 **37. EV Space** - A designated parking space that provides access to an EVCS supplying electric
39 energy for the charging of EVs.

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS
ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

CR-2020-0001
(Updated 04/09/2021)

3338. Excavate or Excavation – For the purposes of Art. 4.B.10, Excavation Uses, the extraction of minerals from the earth necessary to (1) construct a Single Family dwelling; or (2) support bona fide agricultural production operations; or (3) to implement a final site development plan; or (4) any act wherein the earth is cut into, dug, quarried, uncovered, removed, displaced, or deliberately disturbed to create a temporary or permanent body of water, including the conditions resulting there from. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking and canal dredging in preparation for construction. [Ord. 2017-007]

Renumber Accordingly

Part 2. ULDC Art. 1.H.3, General Provisions, Definitions and Acronyms, Abbreviations and Acronyms (page 107 of 111, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. To add the acronym for Electric Vehicle Charging Parking Space, relocated from Article 6.

CHAPTER H DEFINITIONS AND ACRONYMS

Section 2 Abbreviations and Acronyms

- EV Electric Vehicle [Ord. 2018-018]
EVCS Electric Vehicle Charging Station [Ord. 2018-018]
EVCPS Electric Vehicle Charging Parking Space [Relocated from: Art. 6.B.3.A.1.d.4]
FAA Federal Aviation Administration
FAC Florida Archaeological Council [Ord. 2008-037]

Part 3. ULDC Art. 4.B.2, Use Regulations, Use Classification, Commercial Uses (pages 25, 37, and 38 of 199, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. The purpose of an EVCS is to provide electricity to an EV, which is the refueling/recharging of the vehicle. This amendment proposes the removal of the EVCS Facility use in Art 4. and relocate the provisions under Retail Gas and Fuel Sales. This will allow a consolidation of all provisions related to the refueling/recharging of vehicles. The relocation and consolidation of provisions will simplify the application and enforcement of the requirements, approval processes and regulations. When the ULDC was amended in Ordinance No. 2018-018 to add the EVCS Facility, the approval processes in the Use Matrix mirrored that of Retail Gas and Fuel Sales. Other requirements under EVCS Facility, such as location criteria is also similar to those of Retail Gas and Fuel Sales.
2. Current Code requires that the applicable usage fees for the charging of an EV, be displayed on the sign designating a parking space for EV charging. This requirement is being stricken from the Code as usage fees for charging stations are usually displayed digitally on the EVCS itself. The required signs are not usually digital, which makes it more difficult for changes in fees to be properly displayed.
3. This amendment also incorporates a revision of the current cap on the number of EVCS that can be provided on a site. This will allow property owners to install more EV spaces than the current maximum of 20. A new provision has been added that will restrict the number of EV spaces to 50 percent of total parking spaces on a site. This provision will ensure that there will still be adequate parking spaces for vehicles that are not EVs.

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS
ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

CR-2020-0001
(Updated 04/09/2021)

C. Definitions and Supplementary Use Standards for Specific Uses

....
~~10. Electric Vehicle Charging Station Facility~~

~~a. Definitions~~

~~A facility that provides infrastructure that supplies electric energy for the charging of electric vehicles for a fee. Electric vehicles shall include, but not limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034] [Relocated to: Art. 1.H.2), Electric Vehicle Charging Station~~

~~b. Location Criteria for Principal Use~~

- ~~1) An EVCS facility shall comply with Art. 5.E.2, Location Criteria. [Ord. 2018-018]~~
- ~~2) An EVCS facility with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2018-018]~~
- ~~3) I-95 or Turnpike Interchanges~~
~~A parcel with a Commercial High (CH) Future Land Use designation within 0.50 miles of an I-95 or Turnpike interchange shall be exempt from the location criteria listed.~~

~~c. Design and Construction Standards for Stations for Principal or Accessory Use~~

- ~~1) The location of the EVCS (charger and/or charging space(s)) shall not be located in the following areas: [Ord. 2018-018]~~
 - ~~a) required loading areas; [Ord. 2018-018]~~
 - ~~b) required landscape buffers, islands, or medians; and, [Ord. 2018-018]~~
 - ~~c) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility. [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.1]]~~
- ~~2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle. [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.2]]~~
- ~~3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.3]]~~
- ~~4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.4]]~~
- ~~5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.5]]~~
 - ~~a) Voltage and amperage levels; [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.5.a]]~~
 - ~~b) Any applicable usage fees; [Ord. 2018-018]~~
 - ~~c) Safety information; and, [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.5.b]]~~
 - ~~d) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.5.c]]~~
- ~~6) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators. [Ord. 2018-018] [Relocated to: Art. 4.B.2.C.16.i.6]]~~

~~d. Accessory Use~~

~~EVCS shall be permitted as an accessory use to non-residential uses when a parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or vehicular service area of a principal use for public or private use. An accessory EVCS may be, Permitted by Right located in any zoning district subject to the following: [Ord. 2018-018] [Ord. 2019-034] [Relocated to: Art. 4.B.2.C.16.f]~~

- ~~1) Accessory to Non-Residential Uses~~
~~Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or, whichever is less. [Ord. 2018-018]~~

....

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS
ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

CR-2020-0001
(Updated 04/09/2021)

Part 4. ULDC Art. 4.B.2.C.16, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Gas and Fuel Sales, Retail (pages 39 and 40 of 199, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows 1-6 detailing reasons for amendments regarding EVCS facility use, DC Fast Level 3 EVCSs, charging connectors, parking spaces, visual impact, and enforcement.

1 CHAPTER B USE CLASSIFICATION

2

3 Section 2 Commercial Uses

4

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 16. Gas and Fuel Sales, Retail

8 a. Definition

9 An establishment engaged in the sale of gasoline, electric vehicle charging, or motor fuels
10 to the general public.

11 b. Nonconformities

12 1) Automotive Service Station or Convenience Store with Gas Sales

13 A prior approval for an Automotive Service Station or Convenience Store with Gas
14 Sales, shall correspond to Retail Gas and Fuel Sales, and any other collocated uses
15 such as Convenience Store, or Light or Heavy Repair and Maintenance.

16 2) Approvals Prior to Establishment of Location Criteria

17 An Automotive Service Station or Convenience Store with Gas Sales that was a
18 conforming use on the effective date of Ord. No. 2001-029 (August 3, 2001), shall be
19 exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria,
20 listed below.

21 3) EVCSs

22 Prior approvals for Retail Gas and Fuel Sales that was a conforming use on the
23 effective date of Ord. No. (), shall be considered a legal conforming use.

24 c. Approval Process –

25 1) DRO Approval

26 a) IRO District with CH FLU Designation

27 Retail Gas and Fuel Sales located on a parcel with a CH FLU designation within
28 the Core Transect Zone may be allowed subject to DRO approval pursuant to Art.
29 2.C Administrative Processes, Full DRO.

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

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b) Retail Gas and Fuel Sales consisting of a maximum of four EVCSs only may be allowed pursuant to Art. 2.C.3, General, Table 2.C.3 DRO, Administrative Processes.

d. **Zoning Districts – TMD**

Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

e. **Location Criteria**

1) **Intersection Criteria**

A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.

2) **Separation Criteria**

A Retail Gas and Fuel Sales establishment shall be separated from any other Retail Gas and Fuel Sales establishment pursuant to Art. 5.E.2.C.1, Separation Criteria.

3) **Major Intersection Criteria for CL FLU in U/S Tier**

Retail Gas and Fuel Sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria.

4) **CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**

Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.

5) **WCRA Overlay**

Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

6) **Exceptions**

a) **I-95 Interchanges**

A parcel with a Commercial High (CH) Future Land Use designation within one-half mile of an I-95 Interchange shall be exempt from the Location Criteria of 1), Intersection Criteria, and 2), Separation Criteria, listed above.

b) **MUPD**

Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required perimeter landscape buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and

(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity.

f) **Collocated Use**

An EVCS may be allowed as a collocated use to non-residential uses subject to the following requirements: [Relocated from: Art. 4.B.2.C.10.d, Accessory Use]

a) DRO approval : Maximum four EVCSs;

b) Class A Conditional Use: 5 or more EVCSs in non-residential Zoning Districts or FLU Designations where prohibited by the Use Matrix.

fg. **Accessory Use**

Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:

1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;

2) Maximum of four fueling positions;

3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.

4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or maintenance facility for a State-regulated public utility that sells natural gas or other similar fuels.

h) **Pumps and Fuel Positions**

Retail Gas and Fuel with a minimum of eight pumps and 16 fueling positions for gasoline or other liquid motor fuel, shall provide a minimum of two DC Fast Level 3 EVCSs.

i) **Design and Construction Standards for Stations for EVCSs–Principal or Accessory Use**

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- 1) The location of the EVCS (charger and/or charging space(s) shall not be located in the following areas: [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.1])
a) required loading areas; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.1)a)]
b) required landscape buffers, islands, or medians; and, [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.1)b)]
c) Any other areas that will impede vehicular or pedestrian traffic circulation or clear visibility. [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.1)c)]
2) All EV Spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EV Spaces may utilize the same access aisle. [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.2)]
3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.3)]
4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.4)]
5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)]
a) Voltage and amperage levels; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)a)]
b) Safety information; and, [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)c)]
c) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)d)]
6) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.6)]
7) EVCSs shall be set back a minimum of 25 feet from all gasoline pumps;
8) Installed EVCSs shall utilize Combined Charging System (CCS) or CHAdeMO connectors;
9) Screening shall be provided for the Transformers, Switchgears etc., associated with DC Fast Level 3 EVCSs, pursuant to Art. 5.B.1.A.20.a.2, Screening Requirements;
10) EV spaces may count toward required parking; and,
11) EV Spaces shall not exceed 50 percent of the total number of required parking spaces.

Part 5. ULDC Art. 4.B, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 46, 47, and 51-53 of 199, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]
1. To require Level 2 or greater EV-Capable parking spaces at new Business or Professional Office and Retail Sales uses, 10,000 square feet or greater. This threshold is being used to remain consistent with Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, for the Commercial General (CG) Zoning District. The implemented infrastructure shall be able to provide enough electrical capacity for EV-Capable parking spaces. This requirement is being added to the Code as persons usually spend extended periods at these developments, be it the employees themselves or customers visiting. EVs owned by employees and customers can be charged while they work or visit, respectively.

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

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26. Office, Business or Professional

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

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- a. **Definition**
An establishment providing executive, management, administrative, or professional services.
- b. **Typical Uses**
A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and, business offices of private companies, utility companies, public agencies, and trade associations.
-
- d. Collocated Use - EVCS**
Business or Professional Offices 10,000 square feet or greater, shall provide Level 2 or greater EV-Capable parking spaces pursuant to Art. 4.B.2.C.16.g, EVCS. One EV-Capable parking space shall be provided for the first 5,000 square feet, and one space for each additional 5,000 square feet.
- de. Employment Agencies**
Business or Professional Offices that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades, shall be subject to the additional standards:
- 1) **Westgate Overlay**
Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
- 2) **Outdoor Activities**
Outdoor loitering, waiting, or seating shall be prohibited on site. Outdoor seating areas may be allowed provided the site includes one or more architectural focal points such as fountains, architectural shaded structures, or gazebos.
- ef. Accessory Office**
Business or Professional Office Supplementary Use Standards shall not apply to:
- 1) A temporary office in temporary structures associated with the construction of a building or real estate sales;
- 2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrix.
-
- 35. Retail Sales**
- a. **Definition**
An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another Use Type.
- b. **Typical Uses**
Retail Sales may include but are not limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, pharmacies and medical marijuana dispensing facilities. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds. **[Ord. 2017-028]**
-
- g. Collocated Use**
- (1)** A Retail Sales use may be Permitted by Right in the IL, IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter. **[Ord. 2018-018]**
- (2) EVCS**
Retail Sales 10,000 square feet or greater, shall provide Level 2 or greater EV-Capable parking spaces pursuant to Art. 4.B.2.C.16.g, EVCS. One EV-Capable parking space shall be provided for the first 5,000 square feet, and one space for each additional 5,000 square feet.
- h. Unmanned Retail Structure**
An unmanned structure which stores or dispenses items for sale, rent, or customer pick up.
- 1) **Definition and Typical Uses**
- a) **Freestanding**
Includes Unmanned Retail Structures that are not attached to a building and located further than 15 feet from the nearest principal structure.

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- b) In-Line
Includes Unmanned Retail Structures that are adjacent to, attached to, or located within 15 feet of a principal structure, and not separated by vehicular access drives.

Part 6. ULDC Art. 6.B.3.A.1.d.4), Parking, Loading, and Circulation, Parking and Loading, Design and Materials, Dimensions and Layout, Dimensions, Alternative Vehicle Parking, Electric Vehicle Charging Parking Space (EVCPS) (page 9 and 19, Supplement 28), is hereby amended as follows:

Table with 4 rows detailing reasons for amendments: 1. To require new Multifamily uses... 2. To relocate the abbreviation... 3. To remove the provision of maximum number of EV Spaces... 4. To replace the requirement of "for a fee" with "restricted access to the public"...

CHAPTER B PARKING AND LOADING

Section 1 Calculation

B. Minimum Parking Requirements

Table 6.B.1.B – Minimum Parking and Loading Requirements

Notes table with 2 rows: 14. Parking for that portion of the park... 15. Multi-family and Cottage Homes (multiple units on a Single Lot) shall provide EV-Capable parking spaces...

Section 3 Design and Materials

A. Dimensions and Layout

1. Dimensions

d. Alternative Vehicle Parking

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1 4) **Electric Vehicle Charging Parking Space**

2 A parking space that provides infrastructure that supplies electric energy for the
3 charging of ~~electric vehicles~~EVs, ~~without a fee~~with restricted access to the public, is
4 associated with the principal use, and is part of the required number of parking spaces,
5 shall be considered an EVCPs. Any parking space ~~that requires a fee~~open to the public
6 is subject to Art. 4.B.2.C. ~~10.16.g, Electric Vehicle Charging Station Facility~~EVCS. [Ord.
7 2019-034] [Ord. 2020-001]

8 **ba) Approval Process – Residential Uses**

9 Residential use may provide infrastructure that supplies electric energy for the
10 charging of electric vehicles to the residents of the home or community. The
11 spaces are associated with the required parking calculation pursuant to Table
12 6.B.1.B, Minimum Parking and Loading Requirements.

13 (1) An EVCPs is Permitted by Right. [Ord. 2019-034]

14 (2) Multifamily uses and Cottage Homes (multiple units on a single lot) shall
15 provide a minimum one EV-Capable parking space for every 25 units in
16 required non-deeded guest parking areas

17 **cb) Design and Construction Standards**

18 (1) ~~Each EV space shall be marked by a sign designating the parking space as~~
19 ~~an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs~~
20 ~~and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal~~
21 ~~Highway Administration. Each sign shall include the information pursuant to~~
22 ~~Art. 4.B.2.C.10.c.5)a), c), and d). Vehicles that are not capable of using the~~
23 ~~Electrical Vehicle Charging Station are prohibited from parking in this space;~~
24 ~~and~~Design and construction standards shall be in accordance with Art.
25 4.B.2.C.16.g.3, Design and Construction Standards for Stations for Principal
26 or Accessory Use, except for EVCPs installed by a resident for personal use.
27 This shall include EVCSs installed in deeded parking spaces of a Multifamily
28 use and within a private parking space, garage or driveway of a SFD,
29 Townhouse or ZLL home. [Ord. 2019-034]

30 (2) ~~EV spaces shall be painted green, or shall be marked by green painted lines~~
31 ~~or curbs. [Ord. 2019-034]~~

32

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